



January 20, 2006

SENATE BILL No. 139

DIGEST OF SB 139 (Updated January 18, 2006 6:57 pm - DI 106)

Citations Affected: IC 10-13; IC 12-17.2; IC 12-17.4; IC 16-37; IC 31-9; IC 31-14; IC 31-19; IC 31-33; IC 31-34; IC 31-35; IC 31-37.

Synopsis: Department of child services matters. Provides that the term "caseworker" for purposes of juvenile law, including emergency placement of a child, means an employee of the department of child services who is classified as a family case manager. Expands the definition of "emergency placement" for purposes of the law concerning criminal history record checks to include any out-of-home placement for temporary care and custody of a child at or after the time of initial removal or transfer of custody of the child from the child's parent, guardian, or custodian. Specifies that "emergency placement" does not include any proposed or actual change in location of the child's placement for continuing care and custody after the court has entered an order at the time of or following a detention hearing, unless a court or an agency responsible for the child's care and supervision determines that an immediate change in placement is necessary to protect the child's health or safety. Replaces the issuance of probationary licenses with probationary status periods for: (1) child caring institutions; (2) foster homes; (3) group homes; and (4) child placing agencies. Removes provisions that invalidated a license for these entities when a probationary license was issued. Requires the person attending a child's birth, when explaining to the birth mother and putative father immediately before or after the birth the legal consequences of executing a paternity affidavit, to specify (and the written information from the department of child services to specify)

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Effective: July 1, 2006.

Lawson C, Lanane

January 9, 2006, read first time and referred to Committee on Judiciary.
January 19, 2006, amended, reported favorably — Do Pass.

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that: (1) upon execution of a paternity affidavit, the mother and the state may obtain a child support order that requires the provision of health insurance coverage; (2) the rights and responsibilities of the putative father include reasonable parenting time; and (3) the department of child services may file the paternity affidavit with a court. Provides that: (1) a paternity affidavit may not be rescinded more than 60 days after the affidavit is executed unless a court has ordered a genetic test at the request of the man who executed the affidavit; (2) a court may not set aside an affidavit unless a genetic test excludes the man who executed the affidavit as the child's father; and (3) if a man executed a paternity affidavit, a court may not require any further proceedings to establish the child's paternity unless the man who executed the paternity affidavit requests a genetic test. Requires a court to complete: (1) a factfinding hearing not more than 30 days after a petition is filed alleging that a child is a child in need of services; (2) a dispositional hearing not more than 45 days after the date the court finds that a child is a child in need of services; and (3) a hearing on a petition to terminate a parent-child relationship not more than 180 days after the petition is filed. Provides that the department of child services may request that judgment on a petition alleging a child is a child in need of services be entered not later than 30 days after the request. Requires the case of each child in need of services under the supervision of the county office of family and children to be reviewed at least once every three months (rather than once every six months). Deletes requirement that a court clerk forward a copy of an adoption petition to the division of family and children. Revises the definition of "substantiated" when used in reference to a child abuse or neglect report. Provides that child welfare caseworkers, investigators, supervisors, and managers must have access to certain information under the automated child protection system regardless of the security requirements for confidentiality. Provides that: (1) child welfare caseworkers and investigators must be allowed access to other cases or investigations that involve a family member of a child or the child whose case is assigned to the caseworker or investigator; and (2) child welfare supervisors may have access to other cases or investigations that involve a family member of a child or the child whose case is assigned to a caseworker or investigator who reports to the supervisor or whose case is assigned to the supervisor. Provides that a juvenile court may incorporate a finding or conclusion from a predispositional report as a written finding or conclusion upon the record in the court's dispositional decree for a child in need of services (CHINS) hearing or a delinquency hearing. Requires a report prepared by the state in a dispositional decree to be made available to the child's foster parents under certain circumstances. Removes: (1) powers to suspend certain licenses; and (2) a provision that allows certain parties to request a genetic test. Provides that: (1) an application for a license to operate a child care center may be denied; (2) a license to operate a child care center may be revoked; (3) an application for a license to operate a child care home may be denied; and (4) a license to operate a child care home may be revoked; if the department of child services (department) determines that certain individuals have committed child abuse or neglect. Requires the department to investigate claims of abuse or neglect in child care centers and child care homes. Provides that a report of an investigation of child abuse or neglect shall be made available to the division of family resources if the report is classified as substantiated and concerns an applicant, licensee, employee or volunteer of a child care center or child care home. Repeals references to suspension powers. Defines "wardship" for purposes of the juvenile law, and makes conforming amendments. (The introduced version of this bill was prepared by the select committee on reorganization of child services.)

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January 20, 2006

Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

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SENATE BILL No. 139

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 10-13-3-2.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2006]: **Sec. 2.5. As used in this chapter, "caseworker" has the**
4 **meaning set forth in IC 31-9-2-11.**
5 SECTION 2. IC 10-13-3-7.5, AS ADDED BY P.L.234-2005,
6 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2006]: **Sec. 7.5. (a)** As used in this chapter, "emergency
8 placement" means an emergency out-of-home placement of a child by:
9 (1) the department of child services established by
10 IC 31-33-1.5-2;
11 (2) **a law enforcement officer;**
12 (3) **a caseworker;**
13 (4) **a juvenile probation officer;** or
14 (5) a court;
15 as a result of exigent circumstances ~~including an out-of-home~~

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placement under IC 31-34-2 or IC 31-34-4, or the sudden unavailability of the child's parent, guardian, or custodian, that require immediate placement with a person other than the child's parent, guardian, or custodian.

(b) The term includes any out-of-home placement for temporary care and custody of a child at or after the time of initial removal or transfer of custody of the child from the child's parent, guardian, or custodian, as authorized under any of the following:

- (1) IC 31-34-2.
- (2) IC 31-34-2.5.
- (3) IC 31-34-4.
- (4) IC 31-34-5.
- (5) IC 31-37-4.
- (6) IC 31-37-5.
- (7) IC 31-37-6.

(c) The term does not include any proposed or actual change in location of the child's placement for continuing care and custody after the court has entered an order at the time of or following a detention hearing required under IC 31-34-5 or IC 31-37-6, unless a court or an agency responsible for the child's care and supervision determines that an immediate change in placement is necessary to protect the health or safety of the child.

(d) The term does not include placement to an entity or in a facility that is not a residence (as defined in IC 3-5-2-42.5) or that is licensed by the state.

SECTION 3. IC 12-17.2-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) The following constitute sufficient grounds for a denial of a license application:

- (1) A determination by the ~~division~~ **department of child services established by IC 31-33-1.5-2** of child abuse or neglect (as defined in IC 31-9-2-14) by the applicant **or by an employee or volunteer of the applicant.**
- (2) A criminal conviction of the applicant, or of an employee or a volunteer of the applicant, of any of the following:
 - (A) A felony.
 - (B) A misdemeanor related to the health or safety of a child.
 - (C) A misdemeanor for operating a child care center without a license under section 35 of this chapter.
 - (D) A misdemeanor for operating a child care home without a license under IC 12-17.2-5-35.
- (3) A determination by the division that the applicant made false statements in the applicant's application for licensure.

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(4) A determination by the division that the applicant made false statements in the records required by the division.

(5) A determination by the division that the applicant previously operated a:

(A) child care center without a license under this chapter; or

(B) child care home without a license under IC 12-17.2-5.

(b) Notwithstanding subsection (a)(2), if:

(1) a license application is denied due to a criminal conviction of an employee or a volunteer of the applicant; and

(2) the division determines that the employee or volunteer has been dismissed by the applicant;

the criminal conviction of the former employee or former volunteer does not require denial of a license application.

SECTION 4. IC 12-17.2-4-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 32. (a) The following constitute sufficient grounds for revocation of a license:

(1) A determination by the ~~division~~ **department of child services** of child abuse or neglect (as defined in IC 31-9-2-14) by the licensee **or by an employee or volunteer of the licensee.**

(2) A criminal conviction of the licensee, or of an employee or a volunteer of the licensee, of any of the following:

(A) A felony.

(B) A misdemeanor related to the health or safety of a child.

(C) A misdemeanor for operating a child care center without a license under section 35 of this chapter.

(D) A misdemeanor for operating a child care home without a license under IC 12-17.2-5-35.

(3) A determination by the division that the licensee made false statements in the licensee's application for licensure.

(4) A determination by the division that the licensee made false statements in the records required by the division.

(5) A determination by the division that the licensee previously operated a:

(A) child care center without a license under this chapter; or

(B) child care home without a license under IC 12-17.2-5.

(b) Notwithstanding subsection (a)(2), if:

(1) a license is revoked due to a criminal conviction of an employee or a volunteer of the licensee; and

(2) the division determines that the employee or volunteer has been dismissed by the licensee;

the criminal conviction of the former employee or former volunteer does not require revocation of a license.

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SECTION 5. IC 12-17.2-4-36 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 36. (a) The department of child services shall conduct an investigation of a claim of abuse or neglect in a child care center.**

(b) After an investigation under subsection (a), the department of child services shall make a determination of whether or not abuse or neglect occurred at the child care center.

(c) If the department of child services makes a determination, under IC 31-33-8-12, that abuse or neglect at the child care center is substantiated, the department shall send a copy of its report to the appropriate licensing office of the division.

SECTION 6. IC 12-17.2-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 4. (a) The following constitute sufficient grounds for a denial of a license application:**

(1) A determination by the ~~division~~ department of child services established by IC 31-33-1.5-2 of child abuse or neglect (as defined in IC 31-9-2-14) by the applicant or by an employee or volunteer of the applicant.

(2) A criminal conviction of the applicant, of an employee or a volunteer of the applicant, or of a member of the applicant's household, of any of the following:

(A) A felony.

(B) A misdemeanor related to the health or safety of a child.

(C) A misdemeanor for operating a child care center without a license under IC 12-17.2-4-35.

(D) A misdemeanor for operating a child care home without a license under section 35 of this chapter.

(3) A determination by the division that the applicant made false statements in the applicant's application for licensure.

(4) A determination by the division that the applicant made false statements in the records required by the division.

(5) A determination by the division that the applicant previously operated a:

(A) child care center without a license under IC 12-17.2-4; or

(B) child care home without a license under this chapter.

(b) Notwithstanding subsection (a)(2), if:

(1) a license application is denied due to a criminal conviction of:

(A) an employee or a volunteer of the applicant; or

(B) a member of the applicant's household; and

(2) the division determines that the:

(A) employee or volunteer has been dismissed by the

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1 applicant; or
 2 (B) member of the applicant's household is no longer a
 3 member of the applicant's household;
 4 the criminal conviction of the former employee, former volunteer, or
 5 former member does not require denial of a license application.

6 SECTION 7. IC 12-17.2-5-32 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 32. (a) The following
 8 constitute sufficient grounds for revocation of a license:

9 (1) A determination by the ~~division~~ **department of child services**
 10 of child abuse or neglect (as defined in IC 31-9-2-14) by the
 11 licensee **or by an employee or volunteer of the licensee.**

12 (2) A criminal conviction of the licensee, of an employee or a
 13 volunteer of the licensee, or of a member of the licensee's
 14 household, of any of the following:

15 (A) A felony.

16 (B) A misdemeanor related to the health or safety of a child.

17 (C) A misdemeanor for operating a child care center without
 18 a license under IC 12-17.2-4-35.

19 (D) A misdemeanor for operating a child care home without a
 20 license under section 35 of this chapter.

21 (3) A determination by the division that the licensee made false
 22 statements in the licensee's application for licensure.

23 (4) A determination by the division that the licensee made false
 24 statements in the records required by the division.

25 (5) A determination by the division that the licensee previously
 26 operated a:

27 (A) child care center without a license under IC 12-17.2-4; or

28 (B) child care home without a license under this chapter.

29 (b) Notwithstanding subsection (a)(2), if:

30 (1) a license is revoked due to a criminal conviction of:

31 (A) an employee or a volunteer of the licensee's; or

32 (B) a resident of the licensee's household; and

33 (2) the division determines that the:

34 (A) employee or volunteer has been dismissed by the licensee;

35 or

36 (B) member of the licensee's household is no longer a member
 37 of the licensee's household;

38 the criminal conviction of the former employee, former volunteer, or
 39 former member does not require revocation of a license.

40 SECTION 8. IC 12-17.2-5-37 IS ADDED TO THE INDIANA
 41 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 42 [EFFECTIVE JULY 1, 2006]: **Sec. 37. (a) The department of child**

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1 services shall conduct an investigation of a claim of abuse or
2 neglect at a child care home.

3 (b) After an investigation under subsection (a), the department
4 of child services shall make a determination of whether or not
5 abuse or neglect occurred at the child care home.

6 (c) If the department of child services makes a determination,
7 under IC 31-33-8-12, that abuse or neglect at the child care home
8 is substantiated, the department shall send a copy of its report to
9 the appropriate licensing office at the division.

10 SECTION 9. IC 12-17.4-2-1 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. The division shall
12 perform the following duties:

13 (1) Administer the licensing and monitoring of child caring
14 institutions, foster family homes, group homes, and child placing
15 agencies in accordance with this article.

16 (2) Ensure that a criminal history background check of the
17 applicant is completed before issuing a license.

18 (3) Provide for the issuance, denial, ~~suspension~~, and revocation of
19 licenses.

20 (4) Cooperate with governing bodies of child caring institutions,
21 foster family homes, group homes, and child placing agencies and
22 their staffs to improve standards of child care.

23 (5) Prepare at least biannually a directory of licensees, except for
24 foster family homes, with a description of the program capacity
25 and type of children served that will be distributed to the
26 legislature, licensees, and other interested parties as a public
27 document.

28 (6) Deposit all license application fees collected under section 2
29 of this chapter in the child care fund.

30 SECTION 10. IC 12-17.4-3-11, AS AMENDED BY P.L.234-2005,
31 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 JULY 1, 2006]: Sec. 11. (a) A license for a child caring institution
33 expires four (4) years after the date of issuance, unless the license is
34 revoked, modified to a probationary or ~~suspended~~ status, or voluntarily
35 returned.

36 (b) A license issued under this chapter:

37 (1) is not transferable;

38 (2) applies only to the licensee and the location stated in the
39 application; and

40 (3) remains the property of the division.

41 (c) When a licensee submits a timely application for renewal, the
42 current license shall remain in effect until the division issues a license

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or denies the application.

(d) A current license must be publicly displayed.

SECTION 11. IC 12-17.4-3-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 13. (a) The division may ~~grant a~~ **place a licensee on** probationary license to a licensee who ~~status if the licensee~~ is temporarily unable to comply with a rule and if:

(1) the noncompliance does not present an immediate threat to the health and well-being of the children;

(2) the licensee files a plan with the division, state department of health, or the state fire marshal to correct the areas of noncompliance within the probationary period; and

(3) the division, state department of health, or state fire marshal approves the plan.

(b) A probationary ~~license~~ **status period** is ~~valid~~ for not more than six (6) months. **However**, the division may extend a probationary **license status period** for one (1) additional period of six (6) months.

~~(c) A license is invalidated when a probationary license is issued.~~

~~(d)~~ (c) At the expiration of a probationary ~~license~~, **status period**, the division shall: ~~reinstate~~

(1) **reactivate** the ~~original~~ license to the end of the original term of the license; ~~issue a new license~~;

(2) **extend the probationary status period as permitted under subsection (b);** or

(3) revoke the license.

~~(e) Upon receipt of a probationary license, the licensee shall return to the division the previously issued license.~~

SECTION 12. IC 12-17.4-3-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 25. (a) After a license is revoked, ~~or suspended~~, the division shall notify in writing each person responsible for each child in care to ensure that those children are removed.

(b) The written notice shall be sent to the last known address of the person responsible for the child in care and shall state that the license of the child caring institution has been revoked. ~~or suspended~~.

SECTION 13. IC 12-17.4-3-30 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 30. (a) A licensee shall operate a child caring institution in compliance with the rules established under this article and is subject to the disciplinary sanctions under subsection (b) if the division finds that the licensee has violated this article or a rule adopted under this article.

(b) After complying with the procedural provisions in sections 17

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through 20 of this chapter, the division may ~~impose any of the following sanctions~~ **revoke the license** when the division finds that a licensee has committed a violation under subsection (a).

(1) ~~Suspend the license for not more than six (6) months.~~

(2) ~~Revoke the license.~~

SECTION 14. IC 12-17.4-4-14, AS AMENDED BY P.L.234-2005, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14. (a) A license for a foster family home expires four (4) years after the date of issuance, unless the license is revoked, modified to a probationary ~~or suspended~~ status, or voluntarily returned.

(b) A license issued under this chapter:

(1) is not transferable;

(2) applies only to the licensee and the location stated in the application; and

(3) remains the property of the division.

(c) A foster family home shall have the foster family home's license available for inspection.

(d) If a licensee submits a timely application for renewal, the current license shall remain in effect until the division issues a license or denies the application.

SECTION 15. IC 12-17.4-4-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 16. (a) The division may ~~grant a place a licensee on~~ **probationary license to a licensee who status if the licensee** is temporarily unable to comply with a rule **and** if:

(1) the noncompliance does not present an immediate threat to the health and well-being of the children;

(2) the licensee files a plan with the division to correct the areas of noncompliance within the probationary period; and

(3) the division approves the plan.

(b) A probationary ~~license status period~~ **is valid** for not more than six (6) months. **However**, the division may extend a probationary ~~license status period~~ for one (1) additional period of six (6) months.

~~(c) An existing license is invalidated when a probationary license is issued.~~

~~(d) (c)~~ At the expiration of a probationary ~~license, status period~~, the division shall: ~~reinstate~~

(1) **reactivate** the ~~original~~ license to the end of the original term of the license; ~~issue a new license;~~

(2) **extend the probationary status period as permitted in subsection (b);** or

(3) **revoke the license.**

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(e) Upon receipt of a probationary license, the licensee shall return to the division the previously issued license.

SECTION 16. IC 12-17.4-4-29 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 29. (a) After a license is revoked, ~~or suspended~~, the division shall notify in writing each person responsible for each child in care, to ensure that the children are removed.

(b) The written notice shall be sent to the last known address of the person responsible for the child in care and must state that the license of the foster family home has been revoked. ~~or suspended~~.

SECTION 17. IC 12-17.4-4-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 32. (a) A licensee shall operate a foster family home in compliance with the rules established under this article and is subject to the disciplinary sanctions under subsection (b) if the division finds that the licensee has violated this article or a rule adopted under this article.

(b) After complying with the procedural provisions in sections 21 through 24 of this chapter, the division may ~~impose the following sanctions~~ **revoke the license** when the division finds that a licensee has committed a violation under subsection (a).

(1) ~~Suspend the license for not more than six (6) months.~~

(2) ~~Revoke the license.~~

However, the division shall permanently revoke the license of a licensee who has been convicted of any of the felonies described in section 11(a)(1) through 11(a)(19) of this chapter. The division may permanently revoke the license of a person who has been convicted of a felony that is not described in section 11(a)(1) through 11(a)(19) of this chapter.

SECTION 18. IC 12-17.4-5-11, AS AMENDED BY P.L.234-2005, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. (a) A license for a group home expires four (4) years after the date of issuance, unless the license is revoked, modified to a probationary ~~or suspended~~ status, or voluntarily returned.

(b) A license issued under this chapter:

(1) is not transferable;

(2) applies only to the licensee and the location stated in the application; and

(3) remains the property of the division.

(c) A current license shall be publicly displayed.

(d) If a licensee submits a timely application for renewal, the current license remains in effect until the division issues a license or denies the application.

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SECTION 19. IC 12-17.4-5-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 13. (a) The division may ~~grant a place a licensee on~~ probationary ~~license to a licensee who~~ **is status if the licensee is** temporarily unable to comply with a rule **and** if:

- (1) the noncompliance does not present an immediate threat to the health and well-being of the children;
- (2) the licensee files a plan with the division, the state department of health, or the state fire marshal to correct the areas of noncompliance within the probationary period; and
- (3) the division, the state department of health, or the state fire marshal approves the plan.

(b) A probationary ~~license status period~~ **is valid** for not more than six (6) months. **However**, the division may extend a probationary ~~license status period~~ for one (1) additional period of six (6) months.

~~(c) A license is invalidated when a probationary license is issued:~~

~~(d) (c)~~ At the expiration of a probationary ~~license; status period~~, the division shall: ~~reinstate~~

- (1) **reactivate** the ~~original~~ license to the end of the original license's term ~~issue a new of the~~ license;
- (2) **extend the probationary status period as permitted in subsection (b);** or
- (3) revoke the license.

~~(e) Upon receipt of a probationary license, the licensee shall return to the division the previously issued license:~~

SECTION 20. IC 12-17.4-5-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 25. (a) After a license is revoked, ~~or suspended~~, the division shall notify in writing each person responsible for each child in care to ensure that the children are removed.

(b) The written notice shall be sent to the last known address of the person responsible for the child in care and shall state that the license of the group home has been revoked. ~~or suspended~~.

SECTION 21. IC 12-17.4-5-30 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 30. (a) A licensee shall operate a group home in compliance with the rules established under this article and is subject to the disciplinary sanctions under subsection (b) if the division finds that the licensee has violated this article or a rule adopted under this article.

(b) After complying with the procedural provisions in sections 17 through 20 of this chapter, the division may ~~impose any of the following sanctions~~ **revoke the license** when the division finds that a

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licensee has committed a violation under subsection (a).

~~(1) Suspend the license for not more than six (6) months.~~

~~(2) Revoke the license.~~

SECTION 22. IC 12-17.4-6-10, AS AMENDED BY P.L.234-2005, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) A license for a child placing agency expires four (4) years after the date of issuance, unless the license is revoked, modified to a probationary ~~or suspended~~ status, or voluntarily returned.

(b) A license issued under this chapter:

(1) is not transferable;

(2) applies only to the licensee and the location stated in the application; and

(3) remains the property of the division.

(c) A child placing agency shall have the child placing agency's license available for inspection.

(d) If a licensee submits a timely application for renewal, the current license shall remain in effect until the division issues a license or denies the application.

SECTION 23. IC 12-17.4-6-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. (a) The division may ~~grant a place a licensee on~~ probationary license ~~to a licensee who~~ **status if the licensee** is temporarily unable to comply with a rule **and** if:

(1) the noncompliance does not present an immediate threat to the health and well-being of the children;

(2) the licensee files a plan with the division to correct the areas of noncompliance within the probationary period; and

(3) the division approves the plan.

(b) A probationary ~~license status period~~ is ~~valid~~ for not more than six (6) months. **However**, the division may extend a probationary ~~license status period~~ for one (1) additional period of six (6) months.

~~(c) An existing license is invalidated when a probationary license is issued.~~

~~(d)~~ **(c)** At the expiration of a probationary ~~license~~; **status period**, the division shall: ~~reinstate~~

(1) reactivate the ~~original~~ license to the end of the original ~~license's term~~ **issue a new of the** license;

(2) extend the probationary status period as permitted in subsection (b); or

(3) revoke the license.

(e) Upon receipt of a probationary license, the licensee shall return

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to the division the previously issued license.

SECTION 24. IC 12-17.4-6-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 25. (a) After a license is revoked, ~~or suspended~~, the division shall notify in writing each person responsible for each child in care to ensure that the children are removed.

(b) The written notice shall be sent to the last known address of the person responsible for the child in care and must state that the license of the child placing agency has been revoked. ~~or suspended~~.

SECTION 25. IC 12-17.4-6-30 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 30. (a) A licensee shall operate a child placing agency in compliance with the rules established under this article and is subject to the disciplinary sanctions under subsection (b) if the division finds that the licensee has violated this article or a rule adopted under this article.

(b) After complying with the procedural provisions in sections 17 through 20 of this chapter, the division may ~~impose any of the following sanctions~~ **revoke the license** when the division finds that a licensee has committed a violation under subsection (a).

~~(1) Suspend the license for not more than six (6) months.~~

~~(2) Revoke the license.~~

SECTION 26. IC 16-37-2-2.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.1. (a) A paternity affidavit may be executed as provided in this section through:

(1) a hospital; or

(2) a local health department.

(b) Immediately before or after the birth of a child who is born out of wedlock, a person who attends or plans to attend the birth, including personnel of all public or private birthing hospitals, shall:

(1) provide an opportunity for:

(A) the child's mother; and

(B) a man who reasonably appears to be the child's biological father;

to execute an affidavit acknowledging paternity of the child; and

(2) verbally explain to the individuals listed in subdivision (1) the legal effects of an executed paternity affidavit as described in subsection (g).

(c) A paternity affidavit must be executed on a form provided by the state department. The paternity affidavit is valid only if the affidavit is executed as follows:

(1) If executed through a hospital, the paternity affidavit must be completed not more than seventy-two (72) hours after the child's

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1 birth.

2 (2) If executed through a local health department, the paternity
3 affidavit must be completed before the child has reached the age
4 of emancipation.

5 (d) A paternity affidavit is not valid if it is executed after the mother
6 of the child has executed a consent to adoption of the child and a
7 petition to adopt the child has been filed.

8 (e) A paternity affidavit executed under this section must contain or
9 be attached to all of the following:

10 (1) The mother's sworn statement asserting that a person
11 described in subsection ~~(a)(2)~~ **(b)(1)(B)** is the child's biological
12 father.

13 (2) A statement by a person identified as the father under
14 subdivision (1) attesting to a belief that he is the child's biological
15 father.

16 (3) Written information furnished by the ~~division of family and~~
17 **children: department of child services:**

18 (A) explaining the effect of an executed paternity affidavit as
19 described in subsection (g); and

20 (B) describing the availability of child support enforcement
21 services.

22 (4) The Social Security number of each parent.

23 (f) A woman who knowingly or intentionally falsely names a man
24 as the child's biological father under this section commits a Class A
25 misdemeanor.

26 (g) A paternity affidavit executed under this section:

27 (1) establishes paternity; ~~and~~

28 (2) gives rise to parental rights and responsibilities of the person
29 described in subsection (e)(2), including:

30 **(A) the right of the child's mother or the Title IV-D agency to**
31 **obtain a child support order against the person, which may**
32 **include an order requiring the provision of health**
33 **insurance coverage; and**

34 **(B) reasonable parenting time rights unless another**
35 **determination is made by a court in a proceeding under**
36 **IC 31-14-14; and**

37 **(3) may be filed with a court by the department of child**
38 **services.**

39 However, if a paternity affidavit is executed under this section, the
40 child's mother has sole legal custody of the child unless another
41 custody determination is made by a court in a proceeding under
42 IC 31-14.

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(h) Notwithstanding any other law,

~~(1) any person listed in IC 31-14-4-1 or IC 31-14-4-3; or~~

~~(2) a man who is a party to a paternity affidavit executed under this section~~

may, within sixty (60) days of the date that a paternity affidavit is executed under this section, file an action in a court with jurisdiction over paternity to request an order for a genetic test.

(i) A paternity affidavit that is properly executed under this section may not be rescinded more than sixty (60) days after the paternity affidavit is executed unless a court:

(1) has determined that fraud, duress, or material mistake of fact existed in the execution of the paternity affidavit; **and**

(2) at the request of a man described in subsection (h), has ordered a genetic test.

(j) Unless good cause is shown, a court shall not suspend the legal responsibilities under subsection ~~(g)(2)~~ **(g)(2)(A)** of a party to the executed paternity affidavit during a challenge to the affidavit.

(k) The court ~~shall~~ **may not** set aside the paternity affidavit ~~upon a showing from~~ **unless** a genetic test ~~that sufficiently demonstrates that~~ **ordered under subsection (h) or (i) excludes** the person who executed the paternity affidavit ~~is excluded~~ as the child's biological father.

(l) If a paternity affidavit is not executed under subsection (b), the hospital where the birth occurs or a person in attendance at the birth shall inform the child's mother of services available for establishing paternity.

(m) If a man has executed a paternity affidavit in accordance with this section, the executed paternity affidavit conclusively establishes the man as the legal father of a child without any further proceedings by a court.

SECTION 27. IC 31-9-2-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. "Caseworker", for purposes of the juvenile law, means ~~a child welfare worker of the county office of family and children; an employee of the department of child services who is classified as a family case manager.~~

SECTION 28. IC 31-9-2-123 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 123. "Substantiated", for purposes of ~~IC 31-33 IC 31-34-8-4; and IC 31-37-9-5; when used in reference to a child abuse or neglect report made under IC 31-33,~~ means a determination regarding the status of ~~a the report made under IC 31-33~~ whenever facts obtained during an investigation of the report provide ~~credible~~ **a preponderance of** evidence that child abuse or neglect has occurred.

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SECTION 29. IC 31-9-2-135 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 135. (a) "Wardship", for purposes of the juvenile law, means the responsibility for temporary care and custody of a child by transferring the rights and obligations from the child's parent, guardian, or custodian to the person granted wardship. Except to the extent a right or an obligation is specifically addressed in the court order establishing wardship, the rights and obligations of the person granted wardship include making decisions concerning the:**

- (1) physical custody of the child;**
- (2) care and supervision of the child;**
- (3) child's visitation with parents, relatives, or other individuals; and**
- (4) medical care and treatment of the child.**

(b) "Wardship" does not apply to requirements for consenting to an adoption under IC 31-19-9.

SECTION 30. IC 31-14-7-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 3. (a)** A man is a child's legal father if the man executed a paternity affidavit in accordance with IC 16-37-2-2.1 and the paternity affidavit has not been rescinded or set aside under IC 16-37-2-2.1.

(b) If a man executes a paternity affidavit in accordance with IC 16-37-2-2.1, a court may not require any further proceedings to establish the child's paternity unless the man who executed the paternity affidavit requests a genetic test under IC 16-37-2-2.1(h) or IC 16-37-2-2.1(i).

SECTION 31. IC 31-19-2-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 12.** As soon as a petition for adoption is found to be in proper form, the clerk of the court shall forward one (1) copy of the petition for adoption to:

- ~~(1) the division of family and children;~~
- ~~(2) (1)~~ a licensed child placing agency as described in IC 31-19-7-1, with preference to be given to the agency, if any, sponsoring the adoption, as shown by the petition for adoption; and
- ~~(3) (2)~~ the county office of family and children whenever a subsidy is requested in a petition for adoption sponsored by a licensed child placing agency.

SECTION 32. IC 31-33-18-2, AS AMENDED BY P.L.234-2005, SECTION 155, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 2.** The reports and other material

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described in section 1(a) of this chapter and the unredacted reports and other material described in section 1(b) of this chapter shall be made available only to the following:

- (1) Persons authorized by this article.
- (2) A legally mandated public or private child protective agency investigating a report of child abuse or neglect or treating a child or family that is the subject of a report or record.
- (3) A police or other law enforcement agency, prosecuting attorney, or coroner in the case of the death of a child who is investigating a report of a child who may be a victim of child abuse or neglect.
- (4) A physician who has before the physician a child whom the physician reasonably suspects may be a victim of child abuse or neglect.
- (5) An individual legally authorized to place a child in protective custody if:
 - (A) the individual has before the individual a child whom the individual reasonably suspects may be a victim of abuse or neglect; and
 - (B) the individual requires the information in the report or record to determine whether to place the child in protective custody.
- (6) An agency having the legal responsibility or authorization to care for, treat, or supervise a child who is the subject of a report or record or a parent, guardian, custodian, or other person who is responsible for the child's welfare.
- (7) An individual named in the report or record who is alleged to be abused or neglected or, if the individual named in the report is a child or is otherwise incompetent, the individual's guardian ad litem or the individual's court appointed special advocate, or both.
- (8) Each parent, guardian, custodian, or other person responsible for the welfare of a child named in a report or record and an attorney of the person described under this subdivision, with protection for the identity of reporters and other appropriate individuals.
- (9) A court, for redaction of the record in accordance with section 1.5 of this chapter, or upon the court's finding that access to the records may be necessary for determination of an issue before the court. However, except for disclosure of a redacted record in accordance with section 1.5 of this chapter, access is limited to in camera inspection unless the court determines that public disclosure of the information contained in the records is necessary

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for the resolution of an issue then pending before the court.

(10) A grand jury upon the grand jury's determination that access to the records is necessary in the conduct of the grand jury's official business.

(11) An appropriate state or local official responsible for child protection services or legislation carrying out the official's official functions.

(12) A foster care review board established by a juvenile court under IC 31-34-21-9 (or IC 31-6-4-19 before its repeal) upon the court's determination that access to the records is necessary to enable the foster care review board to carry out the board's purpose under IC 31-34-21.

(13) The community child protection team appointed under IC 31-33-3 (or IC 31-6-11-14 before its repeal), upon request, to enable the team to carry out the team's purpose under IC 31-33-3.

(14) A person about whom a report has been made, with protection for the identity of:

(A) any person reporting known or suspected child abuse or neglect; and

(B) any other person if the person or agency making the information available finds that disclosure of the information would be likely to endanger the life or safety of the person.

(15) An employee of the division of family resources, a caseworker, or a juvenile probation officer conducting a criminal history check under IC 12-14-25.5-3, IC 31-34, or IC 31-37 to determine the appropriateness of an out-of-home placement for a:

(A) child at imminent risk of placement;

(B) child in need of services; or

(C) delinquent child.

The results of a criminal history check conducted under this subdivision must be disclosed to a court determining the placement of a child described in clauses (A) through (C).

(16) A local child fatality review team established under IC 12-13-15-6.

(17) The statewide child fatality review committee established by IC 12-13-15.1-6.

(18) The department.

(19) The division of family resources, if the investigation report:

(A) is classified as substantiated; and

(B) concerns:

(i) an applicant for a license to operate;

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- (ii) a person licensed to operate;
- (iii) an employee of; or
- (iv) a volunteer providing services at;
- a child care center licensed under IC 12-17.2-4 or a child care home licensed under IC 12-17.2-5.

SECTION 33. IC 31-33-20-4, AS AMENDED BY P.L.234-2005, SECTION 165, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) **Subject to the accessibility to files provided in subsection (b)**, at least ten (10) levels of security for confidentiality in the system must be maintained.

(b) The system must have a comprehensive system of limited access to information as follows:

(1) The system must be accessed only by the entry of an operator identification number and a person's secret password.

(2) Child welfare caseworkers and investigators must be allowed to access only:

(A) cases that are assigned to the caseworker or investigator; and

(B) other cases or investigations that involve:

(i) a family member of a child; or

(ii) a child;

whose case is assigned to the caseworker or investigator.

(3) Child welfare supervisors may access only the following:

(A) Cases assigned to the supervisor.

(B) Cases assigned to a caseworker or an investigator who reports to the supervisor.

(C) Other cases or investigations that involve:

(i) a family member of a child; or

(ii) a child;

whose case is assigned as described in clause (A) or (B).

~~(C)~~ (D) Cases that are unassigned.

(4) To preserve confidentiality in the workplace, case welfare managers, as designated by the department, may access any case, except restricted cases involving a state employee or the immediate family member of a state employee who has access to the system. Access to restricted information under this subdivision may be obtained only if an additional level of security is implemented.

(5) Access to records of authorized users, including passwords, is restricted to:

(A) users designated by the department as an administrator; and

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- 1 (B) the administrator's level of administration as determined
 2 by the department.
 3 (6) Ancillary programs that may be designed for the system may
 4 not be executed in a manner that would circumvent the system's
 5 log on security measures.
 6 (7) Certain system functions must be accessible only to system
 7 operators with specified levels of authorization as determined by
 8 the department.
 9 (8) Files containing passwords must be encrypted.
 10 (9) There must be two (2) additional levels of security for
 11 confidentiality as determined by the department.

12 SECTION 34. IC 31-34-11-1 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. Unless the
 14 allegations of a petition have been admitted, the juvenile court shall
 15 ~~hold~~ **complete** a factfinding hearing **not more than thirty (30) days**
 16 **after a petition alleging that a child is a child in need of services is**
 17 **filed in accordance with IC 31-34-9.**

18 SECTION 35. IC 31-34-11-4 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) Except as
 20 provided in subsection (b), at the close of all the evidence and before
 21 judgment is entered, the court may continue the case for not more than
 22 twelve (12) months.

23 (b) If the:

- 24 (1) child; ~~or the~~
 25 (2) child's parent, guardian, or custodian; ~~or~~
 26 (3) department;

27 requests that judgment be entered, the judgment shall be entered not
 28 later than thirty (30) days after the request is made.

29 (c) If the child is in a juvenile detention facility, the child shall be
 30 released not later than forty-eight (48) hours, excluding Saturdays,
 31 Sundays, and legal holidays, pending the entry of judgment. A child
 32 released from a juvenile detention facility pending the entry of
 33 judgment may be detained in a shelter care facility.

34 SECTION 36. IC 31-34-19-1 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. The juvenile court
 36 shall ~~hold~~ **complete** a dispositional hearing **not more than forty-five**
 37 **(45) days after the date the court finds that a child is a child in need**
 38 **of services** to consider the following:

- 39 (1) Alternatives for the care, treatment, rehabilitation, or
 40 placement of the child.
 41 (2) The necessity, nature, and extent of the participation by a
 42 parent, a guardian, or a custodian in the program of care,

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1 treatment, or rehabilitation for the child.

2 (3) The financial responsibility of the parent or guardian of the
3 estate for services provided for the parent or guardian or the child.

4 SECTION 37. IC 31-34-19-10 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) The juvenile
6 court shall accompany the court's dispositional decree with written
7 findings and conclusions upon the record concerning the following:

8 (1) The needs of the child for care, treatment, rehabilitation, or
9 placement.

10 (2) The need for participation by the parent, guardian, or
11 custodian in the plan of care for the child.

12 (3) Efforts made, if the child is a child in need of services, to:

13 (A) prevent the child's removal from; or

14 (B) reunite the child with;

15 the child's parent, guardian, or custodian in accordance with
16 federal law.

17 (4) Family services that were offered and provided to:

18 (A) a child in need of services; or

19 (B) the child's parent, guardian, or custodian;

20 in accordance with federal law.

21 (5) The court's reasons for the disposition.

22 **(b) The juvenile court may incorporate a finding or conclusion**
23 **from a predispositional report as a written finding or conclusion**
24 **upon the record in the court's dispositional decree.**

25 SECTION 38. IC 31-34-20-1 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. Subject to section
27 1.5 of this chapter, if a child is a child in need of services, the juvenile
28 court may enter one (1) or more of the following dispositional decrees:

29 (1) Order supervision of the child by the probation department or
30 the county office of family and children.

31 (2) Order the child to receive outpatient treatment:

32 (A) at a social service agency or a psychological, a psychiatric,
33 a medical, or an educational facility; or

34 (B) from an individual practitioner.

35 (3) Remove the child from the child's home and place the child in
36 another home or shelter care facility. Placement under this
37 subdivision includes authorization to control and discipline the
38 child.

39 (4) Award wardship to a person or shelter care facility. ~~Wardship~~
40 ~~under this subdivision does not include the right to consent to the~~
41 ~~child's adoption.~~

42 (5) Partially or completely emancipate the child under section 6

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of this chapter.

(6) Order:

(A) the child; or

(B) the child's parent, guardian, or custodian;
to receive family services.

(7) Order a person who is a party to refrain from direct or indirect
contact with the child.

SECTION 39. IC 31-34-21-2 IS AMENDED TO READ AS
FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) ~~in accordance~~
~~with federal law~~; The case of each child in need of services under the
supervision of the county office of family and children must be
reviewed at least once every ~~six (6)~~ **three (3)** months, or more often, if
ordered by the court.

(b) The first of these periodic case reviews must occur:

(1) at least ~~six (6)~~ **three (3)** months after the date of the child's
removal from the child's parent, guardian, or custodian; or

(2) at least ~~six (6)~~ **three (3)** months after the date of the
dispositional decree;

whichever comes first.

(c) Each periodic case review must be conducted by the juvenile
court in a formal court hearing.

SECTION 40. IC 31-34-22-2, AS AMENDED BY P.L.129-2005,
SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2006]: Sec. 2. (a) Except as provided in subsection (b), a
report prepared by the state:

(1) for the juvenile court's review of the court's dispositional
decree; or

(2) prepared for use at a periodic case review under IC 31-34-21-2
or hearing under IC 31-34-21-7;

shall be made available to the child, and the child's parent, **foster
parents**, guardian, guardian ad litem, court appointed special advocate,
or custodian within a reasonable time after the report's presentation to
the court or before the hearing.

(b) If the court determines on the record that the report contains
information that should not be released to the child or the child's
parent, **foster parents**, guardian, or custodian, the court **is not
required to make the report available to the person as required in
subsection (a). However, the court** shall provide a copy of the report
to the following:

(1) Each attorney or guardian ad litem representing the child.

(2) Each attorney representing the child's parent, guardian, or
custodian.

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(3) Each court appointed special advocate.

(c) The court may also provide a factual summary of the report to the child or the child's parent, **foster parents**, guardian, or custodian.

(d) In addition to the requirements of subsection (a), any report prepared by the state for the juvenile court's review shall also be made available to any court appointed special advocate within the same time period and in the same manner as required in the case of a parent under subsection (a). However, if under subsection (a) the court determines on the record that the report contains information that should not be released to the parent, the court shall still provide a copy of the report to any court appointed special advocate.

SECTION 41. IC 31-35-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. Except when a hearing is required after June 30, 1999, under section 4.5 of this chapter, the person filing the petition may request the court to set the petition for a hearing. Whenever a hearing is requested under this chapter, the court shall:

(1) commence a hearing on the petition not more than ninety (90) days after a petition is filed under this chapter; **and**

(2) **complete a hearing on the petition not more than one hundred eighty (180) days after a petition is filed under this chapter.**

SECTION 42. IC 31-37-18-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) The juvenile court shall accompany the court's dispositional decree with written findings and conclusions upon the record concerning the following:

(1) The needs of the child for care, treatment, rehabilitation, or placement.

(2) The need for participation by the parent, guardian, or custodian in the plan of care for the child.

(3) The court's reasons for the disposition.

(b) The juvenile court may incorporate a finding or conclusion from a predispositional report as a written finding or conclusion upon the record in the court's dispositional decree.

SECTION 43. IC 31-37-19-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. Subject to section 6.5 of this chapter, if a child is a delinquent child under IC 31-37-2, the juvenile court may enter one (1) or more of the following dispositional decrees:

(1) Order supervision of the child by the probation department or the county office of family and children.

(2) Order the child to receive outpatient treatment:

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- 1 (A) at a social service agency or a psychological, a psychiatric,
 2 a medical, or an educational facility; or
 3 (B) from an individual practitioner.
 4 (3) Remove the child from the child's home and place the child in
 5 another home or shelter care facility. Placement under this
 6 subdivision includes authorization to control and discipline the
 7 child.
 8 (4) Award wardship to a person or shelter care facility. ~~Wardship~~
 9 ~~under this subdivision does not include the right to consent to the~~
 10 ~~child's adoption.~~
 11 (5) Partially or completely emancipate the child under section 27
 12 of this chapter.
 13 (6) Order:
 14 (A) the child; or
 15 (B) the child's parent, guardian, or custodian;
 16 to receive family services.
 17 (7) Order a person who is a party to refrain from direct or indirect
 18 contact with the child.
 19 SECTION 44. IC 31-37-21-2 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) Except as
 21 provided by subsection (b), a report prepared by the state:
 22 (1) for the juvenile court's review of the court's dispositional
 23 decree; or
 24 (2) for use at a periodic case review or hearing under
 25 IC 31-37-20-2 or IC 31-37-20-3;
 26 shall be made available to the child, and the child's parent, **foster**
 27 **parents**, guardian, guardian ad litem, custodian, or court appointed
 28 special advocate within a reasonable time after the report's presentation
 29 to the court or before the hearing.
 30 (b) If the court determines on the record that the report contains
 31 information that should not be released to the child or the child's
 32 parent, **foster parents**, guardian, or custodian, the court **is not**
 33 **required to make the report available to the person as required**
 34 **under subsection (a). However, the court** shall provide a copy of the
 35 report to the following:
 36 (1) Each attorney or a guardian ad litem representing the child.
 37 (2) Each attorney representing the child's parent, guardian, or
 38 custodian.
 39 (3) A court appointed special advocate.
 40 (c) The court may also provide a factual summary of the report to
 41 the child or the child's parent, **foster parents**, guardian, or custodian.
 42 (d) In addition to the requirements of subsection (a), any report

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1 prepared by the state for the juvenile court's review shall also be made
2 available to any court appointed special advocate within the same time
3 period and in the same manner as required in the case of a parent under
4 subsection (a). However, if under subsection (a) the court determines
5 on the record that the report contains information that should not be
6 released to the parent, the court shall still provide a copy of the report
7 to any court appointed special advocate.

8 SECTION 45. THE FOLLOWING ARE REPEALED [EFFECTIVE
9 JULY 1, 2006]: IC 12-17.4-3-21; IC 12-17.4-3-22; IC 12-17.4-3-23;
10 IC 12-17.4-4-25; IC 12-17.4-4-26; IC 12-17.4-4-27; IC 12-17.4-5-21;
11 IC 12-17.4-5-22; IC 12-17.4-5-23; IC 12-17.4-6-21; IC 12-17.4-6-22;
12 IC 12-17.4-6-23.

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SENATE MOTION

Madam President: I move that Senator Lanane be added as coauthor of Senate Bill 139.

LAWSON C

 COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 139, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, between lines 25 and 26, begin a new paragraph and insert:
 "SECTION 3. IC 12-17.2-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) The following constitute sufficient grounds for a denial of a license application:

- (1) A determination by the ~~division~~ **department of child services established by IC 31-33-1.5-2** of child abuse or neglect (as defined in IC 31-9-2-14) by the applicant **or by an employee or volunteer of the applicant.**
- (2) A criminal conviction of the applicant, or of an employee or a volunteer of the applicant, of any of the following:
 - (A) A felony.
 - (B) A misdemeanor related to the health or safety of a child.
 - (C) A misdemeanor for operating a child care center without a license under section 35 of this chapter.
 - (D) A misdemeanor for operating a child care home without a license under IC 12-17.2-5-35.
- (3) A determination by the division that the applicant made false statements in the applicant's application for licensure.
- (4) A determination by the division that the applicant made false statements in the records required by the division.
- (5) A determination by the division that the applicant previously operated a:
 - (A) child care center without a license under this chapter; or
 - (B) child care home without a license under IC 12-17.2-5.
- (b) Notwithstanding subsection (a)(2), if:
 - (1) a license application is denied due to a criminal conviction of an employee or a volunteer of the applicant; and
 - (2) the division determines that the employee or volunteer has been dismissed by the applicant;

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the criminal conviction of the former employee or former volunteer does not require denial of a license application.

SECTION 4. IC 12-17.2-4-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 32. (a) The following constitute sufficient grounds for revocation of a license:

(1) A determination by the ~~division~~ **department of child services** of child abuse or neglect (as defined in IC 31-9-2-14) by the licensee **or by an employee or volunteer of the licensee.**

(2) A criminal conviction of the licensee, or of an employee or a volunteer of the licensee, of any of the following:

(A) A felony.

(B) A misdemeanor related to the health or safety of a child.

(C) A misdemeanor for operating a child care center without a license under section 35 of this chapter.

(D) A misdemeanor for operating a child care home without a license under IC 12-17.2-5-35.

(3) A determination by the division that the licensee made false statements in the licensee's application for licensure.

(4) A determination by the division that the licensee made false statements in the records required by the division.

(5) A determination by the division that the licensee previously operated a:

(A) child care center without a license under this chapter; or

(B) child care home without a license under IC 12-17.2-5.

(b) Notwithstanding subsection (a)(2), if:

(1) a license is revoked due to a criminal conviction of an employee or a volunteer of the licensee; and

(2) the division determines that the employee or volunteer has been dismissed by the licensee;

the criminal conviction of the former employee or former volunteer does not require revocation of a license.

SECTION 5. IC 12-17.2-4-36 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 36. (a) The department of child services shall conduct an investigation of a claim of abuse or neglect in a child care center.**

(b) After an investigation under subsection (a), the department of child services shall make a determination of whether or not abuse or neglect occurred at the child care center.

(c) If the department of child services makes a determination, under IC 31-33-8-12, that abuse or neglect at the child care center is substantiated, the department shall send a copy of its report to

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the appropriate licensing office of the division.

SECTION 6. IC 12-17.2-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) The following constitute sufficient grounds for a denial of a license application:

(1) A determination by the ~~division~~ **department of child services established by IC 31-33-1.5-2** of child abuse or neglect (as defined in IC 31-9-2-14) by the applicant **or by an employee or volunteer of the applicant.**

(2) A criminal conviction of the applicant, of an employee or a volunteer of the applicant, or of a member of the applicant's household, of any of the following:

(A) A felony.

(B) A misdemeanor related to the health or safety of a child.

(C) A misdemeanor for operating a child care center without a license under IC 12-17.2-4-35.

(D) A misdemeanor for operating a child care home without a license under section 35 of this chapter.

(3) A determination by the division that the applicant made false statements in the applicant's application for licensure.

(4) A determination by the division that the applicant made false statements in the records required by the division.

(5) A determination by the division that the applicant previously operated a:

(A) child care center without a license under IC 12-17.2-4; or

(B) child care home without a license under this chapter.

(b) Notwithstanding subsection (a)(2), if:

(1) a license application is denied due to a criminal conviction of:

(A) an employee or a volunteer of the applicant; or

(B) a member of the applicant's household; and

(2) the division determines that the:

(A) employee or volunteer has been dismissed by the applicant; or

(B) member of the applicant's household is no longer a member of the applicant's household;

the criminal conviction of the former employee, former volunteer, or former member does not require denial of a license application.

SECTION 7. IC 12-17.2-5-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 32. (a) The following constitute sufficient grounds for revocation of a license:

(1) A determination by the ~~division~~ **department of child services** of child abuse or neglect (as defined in IC 31-9-2-14) by the licensee **or by an employee or volunteer of the licensee.**

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(2) A criminal conviction of the licensee, of an employee or a volunteer of the licensee, or of a member of the licensee's household, of any of the following:

- (A) A felony.
- (B) A misdemeanor related to the health or safety of a child.
- (C) A misdemeanor for operating a child care center without a license under IC 12-17.2-4-35.
- (D) A misdemeanor for operating a child care home without a license under section 35 of this chapter.

(3) A determination by the division that the licensee made false statements in the licensee's application for licensure.

(4) A determination by the division that the licensee made false statements in the records required by the division.

(5) A determination by the division that the licensee previously operated a:

- (A) child care center without a license under IC 12-17.2-4; or
- (B) child care home without a license under this chapter.

(b) Notwithstanding subsection (a)(2), if:

(1) a license is revoked due to a criminal conviction of:

- (A) an employee or a volunteer of the licensee's; or
- (B) a resident of the licensee's household; and

(2) the division determines that the:

- (A) employee or volunteer has been dismissed by the licensee; or
- (B) member of the licensee's household is no longer a member of the licensee's household;

the criminal conviction of the former employee, former volunteer, or former member does not require revocation of a license.

SECTION 8. IC 12-17.2-5-37 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 37. (a) The department of child services shall conduct an investigation of a claim of abuse or neglect at a child care home.**

(b) After an investigation under subsection (a), the department of child services shall make a determination of whether or not abuse or neglect occurred at the child care home.

(c) If the department of child services makes a determination, under IC 31-33-8-12, that abuse or neglect at the child care home is substantiated, the department shall send a copy of its report to the appropriate licensing office at the division."

Page 11, between lines 16 and 17, begin a new paragraph and insert:
"SECTION10. IC 31-9-2-135 IS ADDED TO THE INDIANA

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CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 135. (a) "Wardship", for purposes of the juvenile law, means the responsibility for temporary care and custody of a child by transferring the rights and obligations from the child's parent, guardian, or custodian to the person granted wardship. Except to the extent a right or an obligation is specifically addressed in the court order establishing wardship, the rights and obligations of the person granted wardship include making decisions concerning the:**

- (1) physical custody of the child;**
- (2) care and supervision of the child;**
- (3) child's visitation with parents, relatives, or other individuals; and**
- (4) medical care and treatment of the child.**

(b) "Wardship" does not apply to requirements for consenting to an adoption under IC 31-19-9."

Page 11, between lines 38 and 39, begin a new paragraph and insert:
 "SECTION 31. IC 31-33-18-2, AS AMENDED BY P.L.234-2005, SECTION 155, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. The reports and other material described in section 1(a) of this chapter and the unredacted reports and other material described in section 1(b) of this chapter shall be made available only to the following:

- (1) Persons authorized by this article.
- (2) A legally mandated public or private child protective agency investigating a report of child abuse or neglect or treating a child or family that is the subject of a report or record.
- (3) A police or other law enforcement agency, prosecuting attorney, or coroner in the case of the death of a child who is investigating a report of a child who may be a victim of child abuse or neglect.
- (4) A physician who has before the physician a child whom the physician reasonably suspects may be a victim of child abuse or neglect.
- (5) An individual legally authorized to place a child in protective custody if:
 - (A) the individual has before the individual a child whom the individual reasonably suspects may be a victim of abuse or neglect; and
 - (B) the individual requires the information in the report or record to determine whether to place the child in protective custody.

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(6) An agency having the legal responsibility or authorization to care for, treat, or supervise a child who is the subject of a report or record or a parent, guardian, custodian, or other person who is responsible for the child's welfare.

(7) An individual named in the report or record who is alleged to be abused or neglected or, if the individual named in the report is a child or is otherwise incompetent, the individual's guardian ad litem or the individual's court appointed special advocate, or both.

(8) Each parent, guardian, custodian, or other person responsible for the welfare of a child named in a report or record and an attorney of the person described under this subdivision, with protection for the identity of reporters and other appropriate individuals.

(9) A court, for redaction of the record in accordance with section 1.5 of this chapter, or upon the court's finding that access to the records may be necessary for determination of an issue before the court. However, except for disclosure of a redacted record in accordance with section 1.5 of this chapter, access is limited to in camera inspection unless the court determines that public disclosure of the information contained in the records is necessary for the resolution of an issue then pending before the court.

(10) A grand jury upon the grand jury's determination that access to the records is necessary in the conduct of the grand jury's official business.

(11) An appropriate state or local official responsible for child protection services or legislation carrying out the official's official functions.

(12) A foster care review board established by a juvenile court under IC 31-34-21-9 (or IC 31-6-4-19 before its repeal) upon the court's determination that access to the records is necessary to enable the foster care review board to carry out the board's purpose under IC 31-34-21.

(13) The community child protection team appointed under IC 31-33-3 (or IC 31-6-11-14 before its repeal), upon request, to enable the team to carry out the team's purpose under IC 31-33-3.

(14) A person about whom a report has been made, with protection for the identity of:

(A) any person reporting known or suspected child abuse or neglect; and

(B) any other person if the person or agency making the information available finds that disclosure of the information would be likely to endanger the life or safety of the person.

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(15) An employee of the division of family resources, a caseworker, or a juvenile probation officer conducting a criminal history check under IC 12-14-25.5-3, IC 31-34, or IC 31-37 to determine the appropriateness of an out-of-home placement for a:

- (A) child at imminent risk of placement;
- (B) child in need of services; or
- (C) delinquent child.

The results of a criminal history check conducted under this subdivision must be disclosed to a court determining the placement of a child described in clauses (A) through (C).

(16) A local child fatality review team established under IC 12-13-15-6.

(17) The statewide child fatality review committee established by IC 12-13-15.1-6.

(18) The department.

(19) The division of family resources, if the investigation report:

(A) is classified as substantiated; and

(B) concerns:

- (i) an applicant for a license to operate;**
- (ii) a person licensed to operate;**
- (iii) an employee of; or**
- (iv) a volunteer providing services at;**

a child care center licensed under IC 12-17.2-4 or a child care home licensed under IC 12-17.2-5."

Page 14, between lines 15 and 16, begin a new paragraph and insert:
"SECTION 32. IC 31-34-20-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. Subject to section 1.5 of this chapter, if a child is a child in need of services, the juvenile court may enter one (1) or more of the following dispositional decrees:

- (1) Order supervision of the child by the probation department or the county office of family and children.
- (2) Order the child to receive outpatient treatment:
 - (A) at a social service agency or a psychological, a psychiatric, a medical, or an educational facility; or
 - (B) from an individual practitioner.
- (3) Remove the child from the child's home and place the child in another home or shelter care facility. Placement under this subdivision includes authorization to control and discipline the child.
- (4) Award wardship to a person or shelter care facility. ~~Wardship under this subdivision does not include the right to consent to the~~

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~~child's adoption.~~

(5) Partially or completely emancipate the child under section 6 of this chapter.

(6) Order:

(A) the child; or

(B) the child's parent, guardian, or custodian;
to receive family services.

(7) Order a person who is a party to refrain from direct or indirect contact with the child."

Page 15, after line 42, begin a new paragraph and insert:

"SECTION 36. IC 31-37-19-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. Subject to section 6.5 of this chapter, if a child is a delinquent child under IC 31-37-2, the juvenile court may enter one (1) or more of the following dispositional decrees:

(1) Order supervision of the child by the probation department or the county office of family and children.

(2) Order the child to receive outpatient treatment:

(A) at a social service agency or a psychological, a psychiatric, a medical, or an educational facility; or

(B) from an individual practitioner.

(3) Remove the child from the child's home and place the child in another home or shelter care facility. Placement under this subdivision includes authorization to control and discipline the child.

(4) Award wardship to a person or shelter care facility. ~~Wardship under this subdivision does not include the right to consent to the child's adoption.~~

(5) Partially or completely emancipate the child under section 27 of this chapter.

(6) Order:

(A) the child; or

(B) the child's parent, guardian, or custodian;
to receive family services.

(7) Order a person who is a party to refrain from direct or indirect contact with the child."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 139 as introduced.)

BRAY, Chairperson

Committee Vote: Yeas 11, Nays 0.

SB 139—LS 6466/DI 110+



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